S.B.Cr.Misc. Bail App. No. 5345/2007

(Tara Chand @ Om Prakash Vs. State of Rajasthan)

Date of order : 15/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. I.R.Choudhary for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers as also the statements of witnesses including the statement of prosecutrix.

It is contended by learned counsel for the petitioner that it could not have been possible to commit a rape on an adult lady in presence of three other persons had she not been consented. He further submits that a false case has been instituted because there was some quarrel between the family members of the prosecutrix and the petitioner.

Be that as it may, looking to the facts and circumstances of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioner Tara Chand @ Om Prakash S/o Shri Hukma Ram be released on bail in FIR No. 91/07 P.S. Nawa City, district Nagaur, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP